

## **Now soliciting applications for Agricultural and Forestal District through Friday December 4<sup>th</sup>**

The District helps to protect the rural character of the community by preserving agricultural, forestal, and open space land and by providing safeguards against the adoption of local ordinances that unreasonably restrict farm structures, farming, or forestry practices unless the restrictions are directly related to health, safety, and welfare. The District was established in 1980 for a six-year term that has been renewed several times, most recently in 2010. The County is currently undergoing a renewal review of the District and is inviting landowners to apply to add new land to the District. County landowners to date have enrolled approximately 37,000 acres in the AFD program.

The AFD program provides certain benefits to landowners including automatic qualification for the Land Use Assessment Program. For landowners already in Land Use, participation in the AFD program ensures that land use valuation will continue for the District term even if the Land Use Assessment Program is discontinued. District membership also offers special protections against eminent domain actions. Acquisition of land for power lines, roadways, and other infrastructure within a District is subject to a special public review process. Also, the expenditure of public funds for non-farm related purposes in a District is subject to a special review process.

### **FREQUENTLY ASKED QUESTIONS**

**Who can join the Agricultural and Forestal District?** Any landowner in the Agricultural Open Space Conservation (AOC) Zoning District (most properties west of the Shenandoah River) who has either 5 acres of unimproved land or 6 acres of land that contains a dwelling and any landowner in the Forestal Open Space Conservation (FOC) Zoning District (most properties east of the Shenandoah River) who has either 20 acres of unimproved land or 21 acres of land that contains a dwelling.

**How do you apply for inclusion into the District?** Contact the Clarke County Planning Department and ask to be included. There is a simple application form to fill out and the County will do the rest. Property owners wishing to include their land in the District may do so at the time of renewing the District or annually according to an adopted schedule. Although the State allows localities to charge an application fee, Clarke County has chosen not to charge a fee.

**Do I have to include all of my properties in the District?** No, however it is important to provide detailed property information on the application form to ensure that the properties desired to be included are accurately noted.

**Is acceptance into the District automatic once an application is submitted?** No. Each application must be reviewed by County Staff, the AFD Advisory Committee, Planning Commission, and Board of Supervisors for compliance with program requirements. Both the Planning Commission and Board of Supervisors are required by State law to hold public hearings on all new applications. This process can take approximately 4-5 months to complete.

**What do I have to do if I want my property to remain in the District?** Those who are already in the District and wish to remain in the District are not required to take any action.

**Suppose I want to withdraw my property from the District?** During the District review process, current District landowners may request to withdraw their properties at their discretion by providing written

notice to the County. During the District term, however, there are limited options for withdrawing land. If the death of the property owner occurs during the term the heirs may at any time make a written request that their land be withdrawn and that will be approved as a matter of right. In addition, any landowner may make a written request to withdraw from the district for financial hardship approaching confiscation of property.

**Are there restrictions placed on land in an Agricultural and Forestal District?** Yes. Although a property owner can continue to use the land as they always have and can sell it at any time during their inclusion in the district, the property owner agrees not to do more than a one lot subdivision or to reduce the area of their property by boundary line adjustment during the District term. There are also limitations on certain special uses that may be applied for that would conflict with the character and purpose of the District. It is recommended that potential applicants discuss these restrictions with County Staff to determine whether they may conflict with the applicant's future plans for the properties.

**Do I have to be in an Agricultural and Forestal District in order to farm my land, have livestock, etc?** No. The Zoning Ordinance governs the uses of your property. Enrollment in an Agricultural and Forestal District provides some additional right-to-farm protections beyond what the Zoning may permit.

**If I sell my property do I need to advise the new owner that the property is in the District?** Yes. Agricultural and Forestal Districts encumber the land. Selling or transferring ownership does not remove the encumbrance. It is very important that the new owner understand they are bound to the same restrictions and will receive the same benefits of all property in the District. Many new buyers think they can subdivide and then learn they cannot due to restrictions imposed by inclusion in the District. They may incur expensive subdivision costs with no chance of completing the division until the District term expires.

**Does being in the District automatically reduce my taxes?** No. Clarke County has a Land Use Assessment Program that provides for the deferral of real estate taxes on properties that qualify for agricultural, horticultural, forestry, or open space uses. Any status change to a parcel enrolled in the Land Use Assessment Program is subject to rollback taxes, penalties, and interest. Contact the Office of the Commissioner of the Revenue at 540-955-5108 for further information on the Land Use Program.

**Am I required to be in an Agricultural and Forestal District to qualify for agricultural, horticultural, or forestry land use?** No. The Land Use Assessment Program is a separate program from the Agricultural and Forestal District Program. A landowner must apply for the Land Use Assessment Program and must meet certain qualifying criteria that can be explained by the Office of the Commissioner of the Revenue at 540-955-5108.

**For more information contact:**  
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